

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: MICHAEL R. SMITH, SR.
DEBTOR**

**CHAPTER 11
CASE NO. 08-10080-DWH**

APPLICATION FOR COMPENSATION OF OWEN P. LALOR, SPECIAL COUNSEL

COMES NOW Owen P. Lalor and his law firm, Lalor & Morgan, PLLC, Special Counsel (the "Special Counsel") and files this their Application for Compensation, and in support thereof, would show unto this Honorable Court the following:

1. On January 8, 2008, the Debtor filed his Voluntary Petition with this Court for reorganization under Chapter 13 of the Bankruptcy Code. [ECF Doc # 1].
2. The case was converted to Chapter 11 by Order entered May 20, 2008 [ECF Doc # 70].
3. This Honorable Court has jurisdiction of the subject matter herein and the parties hereto pursuant to 28 U.S.C. §§ 157 and 1334; 11 U.S.C. §§ 105, 364, 541, 1107 and related statutes, rules and various orders of reference.
4. The Debtor is in control of his property under the confirmed Chapter 11 Plan and confirmation order dated June 11, 2013 [ECF Doc # 529]. Debtor pursuant to such confirmation order continues to operate pursuant to the United States Bankruptcy Code and Plan and the case is still open.
5. In accordance with this Court's Order on Application for Employment of Owen P. Lalor as Special Counsel for Debtor in Non-bankruptcy Matters [ECF Docket No. 713] (the "Employment Order") the Debtor has employed the services of the individual, Owen P. Lalor and his law firm, Lalor & Morgan, PLLC as counsel for the Debtor regarding recovery of value for the

estate of Debtor from a 1/6th undivided interest in a tract of real property located in Madison County, Mississippi, (the "Property").

6. The Employment Order approved the terms of engagement authorizing compensation on a contingency fee basis of thirty-five per cent (35%) of recovery of monetary value from property of the estate of Debtor plus reimbursement of actual and necessary expenses.

7. As reported in the Verified Statement of Owen P. Lalor attached hereto as Exhibit "A," Special Counsel has to date recovered the amount of \$123,916.67 from the Debtor's 1/6th undivided interest in the Property and continues efforts to secure additional amounts for the estate.

8. The services rendered to the Debtor by Owen P. Lalor and his law firm, Lalor & Morgan, PLLC are substantial and have benefitted the estate in the amount of \$123,916.67 to date.

9. The attorney fees charged pursuant to the Employment Order are calculated on a contingency fee basis and equal \$43,370.83 representing thirty-five per cent (35%) of the recovery of property for the estate of Debtor. The expenses incurred amount to \$771.45. The fees and expenses in the aggregate amount of \$44,142.28 are reflected in the Invoice No. 221-016 dated February 11, 2021 attached hereto as Exhibit "B."

10. The fees charged and expenses incurred represent reasonable and necessary fees and expenses that were required to be extended by Special Counsel to protect and secure the rights of Debtor and the interests of creditors; they enhanced the value of all property of the estate; and they represent normal and customary fees and expenses incurred and charged for the representation of similarly situated debtors. The time, skill and experience utilized by Special Counsel for the Debtor and the results obtained justify the approval of this Application.

11. This is the Debtor's first request for allowance of compensation for professional services rendered by Special Counsel, Owen P. Lalor and his law firm, Lalor & Morgan, PLLC

and expense reimbursement and is made in accordance with the Employment Order authorizing a contingency fee equal of thirty-five per cent (35%) of the recovery of property of the estate of Debtor. [ECF Docket No. 713].

WAIVER AND JOINDER

12. Debtor, Michael R. Smith, Sr., joins in this Application for the purpose of acknowledging recovery of \$123,916.67 from the Property and confirming his consent to the requested compensation of \$43,370.83 plus expenses in the amount of \$771.45.

13. Debtor, Michael R. Smith, Sr., joins in the Application as if drafted by himself and hereby waives any further notice or process and consents to a hearing on the Application when it has been filed.

WHEREFORE, PREMISES CONSIDERED, Owen P. Lalor and his law firm, Lalor & Morgan, PLLC request the Court to enter an appropriate Order awarding reasonable attorney's fees for the professional services rendered by Special Counsel consistent with the Employment Order and authorizing and directing the Debtor to pay said attorney's fees and expenses. Special Counsel prays for such further and other relief, both general and special, as allowable under the circumstances.

This, the 11th day of February, 2021.

Respectfully submitted,

LALOR & MORGAN, PLLC

By: /s/ Owen P. Lalor

Joined by:

Michael R. Smith
Michael R. Smith, Sr.

OF COUNSEL

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